

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RUSTY LEE ROUSE,

Plaintiff,

v.

KEVIN HANSEN, *et al.*

Defendants.

CASE NO. 3:24-cv-05068-TL-GJL

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

The Court, having reviewed the Report and Recommendation of Magistrate Judge Grady J. Leupold, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) County Defendants' Motion to Dismiss (Dkt. 29) is DENIED in part and GRANTED in part:
  - (a) To the extent Count I is based on allegedly unsanitary conditions of confinement, Plaintiff's Fourteenth Amendment claim is DISMISSED against all Defendants for failure to state a claim.
  - (b) To the extent Count I is based on the alleged denial of adequate medical care, Plaintiff's Fourteenth Amendment claim is

DISMISSED only as to Defendants Kevin Hansen and Randy Newell for failure to allege personal participation.

- (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for all Defendants, and to the Hon. Grady J. Leupold.

Dated this 12th day of July 2024.

  
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Tana Lin  
United States District Judge